

November 2005 Elections

Candidacy Requirements

For

Floyd County

Board of Supervisors

District C

*FILING RE-OPENED DUE TO WITHDRAWAL
OF POLITICAL PARTY NOMINEE*



INTRODUCTION

This bulletin and all required forms are available on our web site:

http://www.sbe.virginia.gov/Election/Candidates/For_candidates/candidates_info.htm

Each document is explained in Item IV on Pages 3 and 4 herein.

The filing deadline and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Party Candidate Nominated By Method Other Than A Primary and For An Independent (Non-Party) candidate.

Your particular attention is called to Item I on Page 1. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us on our toll-free line 800-552-9745 and ask for the Election Services Division. You also can reach us at 804-864-8901.





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I. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to the *Summary of the Campaign Finance Disclosure Act* (CFDA) and the *Stand By Your Ad Summary* published by the State Board of Elections for specific requirements. If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

The following *additional* information is provided for your information:

A. Sample Ballots

Any **sample** of a paper or voting equipment **ballot** must contain the words **SAMPLE BALLOT**, the appropriate authority statement required by the CFDA and, in addition, must:

- (a) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (b) if a **paper ballot**, be printed on paper of a color **other than white or yellow (canary)**.

B. Posting

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 2 herein]. Contact your County Administrator to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on **private property** if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property. [§15.2-109 of the Code of Virginia]

C. Violations

If you believe any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Commonwealth's Attorney in the county in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

II. VDOT INFORMATION

A “clean” campaign is a sign of the times



Don't “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



Don't make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



Don't get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



Don't risk your candidate's image.

IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY. YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

III. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- ◆ Qualified to vote for and hold the office sought;
- ◆ A resident of the Commonwealth for one year immediately preceding the election;
- ◆ A resident, by the time of filing, of the county in which he offers for election; and
- ◆ A resident of the election district to be represented.

IV. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

<http://www.sbe.virginia.gov/Election/Candidates/Forms/>

A. Statement of Organization for a CANDIDATE

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

For further details, see **Starting A Campaign Committee** in the *Summary of the Campaign Finance Disclosure Act* published by the State Board of Elections and also can be downloaded from our website:

http://www.sbe.virginia.gov/Campaign_Finance/

B. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form.

C. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. It must be filed by primary election candidates and independent (non-party) candidates. If petitions also are required for the office sought, the Declaration must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file this declaration and the petitions described below only if so required by the rules of the political party. Contact your county chair to determine if they are required.

IV. DOCUMENTS REQUIRED TO BE FILED (continued)

D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all independent (non-party) candidates.

1. Petition Circulator

Petitions may be circulated by either the candidate or another person who is, or who is eligible to be, registered and qualified to vote for the office and the district for which the petition is circulated (the **same** district as the candidate).

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e. g., left on the counter at a grocery store, restaurant, etc.

2. Number of Signatures Required

Petitions must contain the signatures of at least 125 qualified voters of the district.

Exceptions - If a board of supervisor or school board election district has **1,000 or fewer registered voters as of January 1, 2005**, petitions must contain the signatures of at least **50** qualified voters of the district.

Call your General Registrar to confirm which signature requirement applies to you.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

E. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Clerk of the governing body. All candidates for board of supervisors **must** file this form.

Exception - A person who filed this form in 2005 as an officer or employee of the county is not required to file this form again as a candidate.

V. FILING DEADLINE AND WHERE TO FILE

For A Party Candidate Nominated By Method Other Than A Primary

Filing Re-opened Due to Withdrawal of Political Party Nominee

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification *2. Statement of Economic Interests	General Registrar of the County of Floyd	5:00 p.m. 9/9/05
*3. Statement of Organization for a Candidate**	Electoral Board of the County of Floyd at the office of the General Registrar	5:00 p.m. 9/9/05

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

<p>Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the General Election ballot.</p>

* Refer to Pages 3 and 4 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

VI. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

Filing Re-opened Due to Withdrawal of Political Party Nominee

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters *3. Statement of Economic Interests *4. Certificate of Candidate Qualification	General Registrar of the County of Floyd	5:00 p.m. 9 /9/05
*5. Statement of Organization for a Candidate**	Electoral Board of the County of Floyd at the office of the General Registrar	5:00 p.m. 9/9/05

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www.sbe.virginia.gov/Election/Candidates/Bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

<p>Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the General Election ballot.</p>

* Refer to Pages 3 and 4 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

VII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent [non-party] candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of the candidate's county of residence. It must accompany the declaration of candidacy and, if required, the petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors, may affect the electoral board's ability to follow through, in this case, the short time frame between the filing deadline and absentee ballot preparation.

VIII. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Electoral Board of the candidate's county of residence and are due even if no contributions are received nor expenditures made. In this case, **only** a *Report Of No Activity* must be filed. Forms are prescribed by, and available from, the State Board of Elections.

See Candidate Reporting Schedule for dates reports are due.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

Exceptions - A candidate for local office who files an exemption form certifying that he has not and will not solicit or accept any contribution from any other person during the course of his campaign and has not and will not contribute or expend more than \$1,000 during the course of this campaign, is required to file reports of large pre-election contributions and a final report. A form for this purpose is prepared and distributed by the State Board of Elections.

IX. ORDER OF NAMES ON BALLOTS

In **General and Special Elections**

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Non-partisan or independent candidates appear in alphabetical order following the candidates of political parties.

In multi-seat districts, if more than one candidate is nominated by the same party or more than one independent candidate qualified, such candidates appear alphabetically within their party groups.

X. THE SUCCESSFUL CANDIDATE

Any successful candidate must file as a condition to assuming office, with the **Clerk of the Board of Supervisors** a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the Clerk.

The successful candidate in a *general election* is required by law to qualify and take the oath of office on or before the term of office begins or, for a county governing body, no later than the initial meeting of the county governing body.

The successful candidate in a *special election*, is required by law to qualify and take the oath of office within thirty days of the election.

Failure to qualify in a timely manner creates a vacancy in the office.

XI. FREQUENTLY ASKED QUESTIONS

Listed below are the most commonly asked questions. If you need further details, please call us on our toll-free number.

A. Who may circulate a candidate's petitions?

A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a registered and qualified voter of the election district. See Item IV D1 herein for details.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e. g., left on the counter at a grocery store, restaurant, etc.

B. I am circulating a petition for a candidate. May I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate. May I notarize the petition pages I circulate?

NO TO BOTH. The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his own signature.

XI. FREQUENTLY ASKED QUESTIONS (continued)

- C. I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?

NO. § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

- D. I work for the federal government. Can I be a candidate?

Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a **non-partisan election** or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth, you may be an **independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

- E. I work for the state or a local government. Can I be a candidate?

Some state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work.** If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer.**

- F. I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?

Contact an attorney as to whether the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] might affect your ability to hold the office you intend to seek.